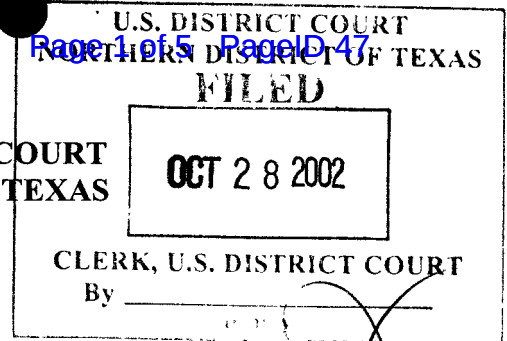


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



SABRE, INC.,

Plaintiff,

v.

AIR CANADA, INC.,

Defendant.

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§

Civil Action No. 3: 02CV2016-L

**DEFENDANT'S MOTION TO SUPPLEMENT THE RECORD IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS FOR FORUM NON CONVENIENS**

Defendant, Air Canada, moves to supplement the record for its Motion to Dismiss for Forum Non Conveniens, filed on October 16, 2002, and states as follows:

1. Air Canada has moved this Court to dismiss this case for forum non conveniens, or in the alternative, to stay these proceedings under the doctrine of international abstention (the "Motion to Dismiss").

2. In its Motion to Dismiss, Air Canada informed the Court that the parallel proceedings currently pending in the Superior Court of Québec, "may be brought for hearing in Québec in as little as five months." Motion to Dismiss at 15. In support of this statement, Air Canada cited an affidavit from Pierre Y. Lefebvre, a Canadian attorney practicing in Montreal, which stated:

I have been advised by the Master of Rolls of the Superior Court of the District of Montreal that the hearing for the Motion for Declaratory Judgment, as the one filed by Air Canada, is usually set within five (5) months of service and filing of the Motion. I will receive shortly a letter from the Master of rolls confirming this information and I will file this letter with the Court record.

Lefebvre Affidavit ¶ 7 ( Motion to Dismiss, Exhibit F).

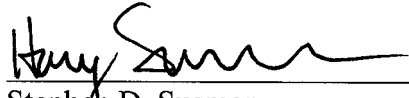
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3. Messr. Lefebvre has transmitted this letter from the Master of the Roles, which is attached hereto. According to this letter, Air Canada's action may be resolved in the Québec court even earlier than expected. The Master of the Roles has estimated that this case may reach a hearing in as little as eight weeks to three months.

4. This information further supports Air Canada's Motion to Dismiss for Forum Non Conveniens, or, in the Alternative, to Stay on Grounds of International Abstention.

Wherefore Air Canada respectfully submits this information to the Court to supplement the record pertaining to its prior motion.

Respectfully submitted,



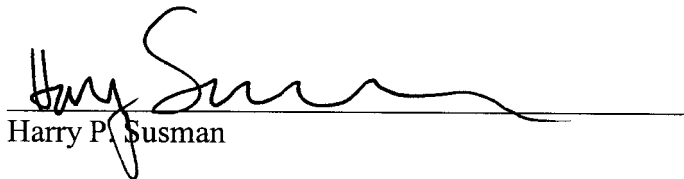
Stephen D. Susman  
State Bar No. 19521000  
Harry P. Susman  
State Bar No. 24008875  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002-5096  
Telephone: (713) 651-9366  
Fax: (713) 654-6666

ATTORNEYS FOR DEFENDANT  
AIR CANADA

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served by facsimile on the following counsel of record, this 25th day of October, 2002, as indicated below:

John R. Crews  
Jon G. Shepherd  
Gibson, Dunn & Crutcher LLP  
2100 McKinney Ave., Suite 1100  
Dallas, TX 75201  
(214) 698-3400 FAX



Harry P. Susman

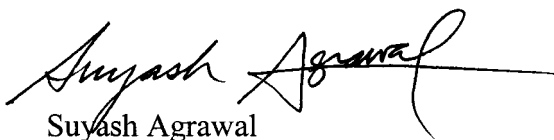
THE STATE OF TEXAS     §  
                                     §  
COUNTY OF HARRIS     §

**AFFIDAVIT OF SUYASH AGRAWAL**

SUYASH AGRAWAL, after first being duly sworn upon his oath, makes this affidavit and states the following:

1.     My name is Suyash Agrawal. I am over the age of twenty-one (21) years, am competent to testify to the matters stated herein, have personal knowledge of the facts and statements in this Affidavit, and each of the facts and statements is true and correct.
2.     On October 25, 2002, I received a transmittal from Pierre Y. Lefebvre, an attorney with the Canadian law firm of Fasken Martineau DuMolin LLP. Attached was a letter from Michel Côté, the Master of the roles of the District of Montreal.
3.     Attached hereto are the true and correct copies of the documents I have received in this regard.

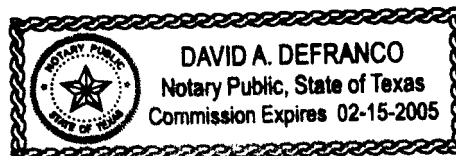
FURTHER AFFIANT SAITH NOT.

  
Suyash Agrawal

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, by Suyash Agrawal, on this 25<sup>th</sup> day of October, 2002, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas  
My Commission Expires:





Fasken Martineau DuMoulin LLP  
Barristers and Solicitors  
Patent and Trade-mark Agents

Stock Exchange Tower  
Suite 3400, P.O. Box 242  
800 Place Victoria  
Montréal, Québec, Canada H4Z 1E9

514 397 7400 Telephone  
514 397 7600 Facsimile



**Pierre Y. Lefebvre**  
Direct (514) 397-7565  
plefebvre@mtl.fasken.com

October 24, 2002  
File No.: 170/116681.12

**BY FEDERAL EXPRESS**

Mr. Suyash Agrawal  
SUSMAN GODFREY LLP  
1000 Louisiana  
Suite 5100  
Houston, Texas  
USA  
77002

Dear Mr. Agrawal:

**Re: Air Canada  
v. Sabre Inc.**

Pursuant to your e-mail of this day, please find enclosed a letter from the Master of Rolls estimating the amount of time it will take to get a hearing on Air Canada's Declaratory Judgment Motion in Quebec.

Trusting the whole is to your entire satisfaction, we remain,

Yours truly,

**FASKEN MARTINEAU DuMOULIN LLP**

Pierre Y. Lefebvre

PYL/sb  
Encl.



Ministère de  
la Justice

Montreal, October 21<sup>st</sup> 2002

Mtre Jean-François Hébert  
800 Place Victoria, # 3400  
Montreal, Quebec H4Z 1E9

Re : Time periods at the Superior Court – District of Montreal

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Counsel,

We hereby wish to inform you of the current time periods for the hearing of an originating document before the courts of the District of Montreal.

With respect to motions instituting proceedings before the Superior Court and instituting special proceedings such as injunctions, evocations and declaratory judgments, our time periods are currently of eight (8) weeks for hearings scheduled for two days and of three (3) months for hearings requiring three days or more.

Please do not hesitate to contact the undersigned should you require any further information.

Michel Côté  
Master of the roles  
District of Montreal

**Service de soutien aux tribunaux civils**  
Palais de justice de Montréal  
1, rue Notre-Dame Est, bureau 1.150  
Montréal (Québec) H2Y 1B6  
Téléphone : (514) 393-2713  
Télécopieur : (514) 864-8588  
Adresse Internet : [mrcotemrcote@justice.gouv.qc.ca](mailto:mrcotemrcote@justice.gouv.qc.ca)